

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 3:20-cv-30130-KAR**

<p><b>BRANDON NAVOM</b> <b>Plaintiff,</b>  <b>v.</b> <b>CITY OF BOSTON and MARTY WALSH, in</b> <b>his official and individual capacities,</b> <b>Defendants.</b></p>
--

**MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER CASE PURSUANT  
TO FED. R. CIV. P. 12(B)(3) AND FED. R. CIV. P. 12(B)(6) AND  
REQUEST FOR MONETARY SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

---

Now comes the Defendants, City of Boston and Martin J. Walsh, and hereby respectfully move this Honorable Court pursuant to Fed. R. Civ. P. 12(b)(3) to dismiss Plaintiff's Complaint, or in the alternative, transfer the case, on the grounds that: (i) Plaintiff filed the action in the wrong courthouse; or (ii) in the interest of justice. The City and Mayor Walsh also move to dismiss the action pursuant to Fed. R. Civ. P. 12(b)(6). As grounds therefore, and as discussed in the accompanying memorandum of law, they state that: (1) the Complaint is barred by the doctrine of *res judicata*; and (2) Plaintiff failed to adequately plead the individual claims. Because of the frivolous nature of Plaintiff's Complaint, the City and Mayor Walsh seek attorneys' fees and costs in accordance with Fed. R. Civ. P. 11 in the sum of \$11,857.50 as supported by the accompanying affidavit of Nieve Anjomi Esq.<sup>1</sup>

---

<sup>1</sup> In accordance with FRCP 11, the instant Motion to Dismiss and Request for Sanctions was served on September 30, 2020, by mail and email, 21 days before it was filed in with the Court.

Date: September 30, 2020

Respectfully submitted,

**CITY OF BOSTON,**

By their attorneys:

Eugene F. O'Flaherty  
Corporation Counsel

/s/ Nieve Anjomi  
Nicole M. O'Connor (BBO# 675535)  
Nieve Anjomi (BBO# 651212)  
Senior Assistant Corporation Counsel  
City of Boston Law Department  
City Hall, Room 615  
Boston, MA 02201  
(617) 635-4034  
nicole.oconnor@boston.gov  
nieve.anjomi@boston.gov

**COMPLIANCE WITH L.R. 7.1**

In accordance with Local Rule 7.1(a)(2), on September 23, 2020, counsel for Defendants conferred via telephone conference with Brandon Navom in a good faith attempt to narrow the issues raised by this motion. The Parties were unable to narrow the issues raised herein.

September 30, 2020  
Date

/s/ Nieve Anjomi  
Nieve Anjomi

**Certificate of Service**

I, Nieve Anjomi, hereby certify that on September 30, 2020, a true copy of the above document was served via first class mail and email to:

Brandon Navom  
680 State Road Apt. 3  
North Adams, MA 01247  
Navom1@yahoo.com

/s/ Nieve Anjomi  
Nieve Anjomi